

## **CHAPTER 17**

### **SELF-INSURANCE PROGRAM BOARD OF TRUSTEES (5125)**

#### **SECTION:**

- 2-17-1: BOARD CREATED**  
**2-17-2: POWERS AND DUTIES**

**2-17-1: BOARD CREATED:**

There is hereby created a Self-Insurance Program Board of Trustees to consist of five (5) members, all of whom shall be residents of the City. One (1) of such Board members shall be a Councilmember; one (1) member of such Board shall be an employee of the City; and none of the other three (3) members shall be either Councilmembers or employees of the City. The Councilmember and the City employee shall be appointed by the Mayor with the approval of the Council, and these two (2) Board members shall serve at the pleasure of the Council. The other three (3) Board members shall be appointed by the Mayor with the approval of the Council for staggered terms of three (3) years each. At the time of the initial appointment of such members, the Mayor shall designate the length of term to provide for staggered terms. No member of the Self-Insurance Program Board of Trustees, excepting for the Councilmember and the City employee, shall serve more than two (2) complete consecutive terms; however, such member may be reappointed after a lapse of three (3) years from the end of the previous term. Continued absence of any member from meetings of the Board shall, at the discretion of the City Council, render any such member liable for immediate removal from office by the Council. Any member absent from three (3) consecutive meetings without being excused shall be considered as having vacated his appointment. (1260, 1620)

**2-17-2: POWERS AND DUTIES:**

The Self-Insurance Program Board of Trustees shall act in an advisory role with regard to the financial viability of the Property and Public Liability, Employee Benefits, and Workers' Compensation Trust Funds, and shall perform such other duties and responsibilities set forth in the Restatements of Trust for the public and property liability and Employee Benefits Trust Funds, and the Restatement of Trust for the Workers' Compensation Trust Fund. The Board shall elect one (1) of its members to serve as chairman, and each chairman so elected shall serve for a one- (1-) year term. (1260, 5125)

## CHAPTER 18

### PERSONNEL APPEALS BOARD

#### SECTION:

- 2-18-1: MEMBERS OF BOARD, ALTERNATE MEMBERS**
- 2-18-2: BOARD HEARINGS AND PROCEDURAL RULES**
- 2-18-3: CITY MANAGER DECISION**

#### **2-18-1: MEMBERS OF BOARD, ALTERNATE MEMBERS:**

The Personnel Appeals Board created by Section 404 of the Mesa City Charter shall consist of five (5) members and shall have the qualifications set forth in the Charter. The members of the Personnel Appeals Board shall serve staggered terms of three (3) years each. Continued absence of any member from meetings of the Board shall, at the discretion of the City Council, render any such member liable for immediate removal from office by the Council. Any member absent from three (3) consecutive meetings without being excused shall be considered as having vacated his appointment. (1625, 2798, 5272)

#### **2-18-2: BOARD HEARINGS AND PROCEDURAL RULES:**

- (A) The Board shall conduct a hearing upon receiving notice from the Human Resources Department concerning a review of a grievance or appeal of a dismissal brought pursuant to the Personnel Rules. The Board shall make every effort to schedule the hearing at the earliest possible mutually convenient time. The Board shall provide the parties a written notice of the time, date, and place of hearing not less than ten (10) business days before the first date of such hearing. At least three (3) board members must be present to proceed with a hearing and for deliberations and voting. The executive session must be attended by at least three (3) board members that were present for the entire hearing. If five (5) board members were present for the entire hearing, all five board members may deliberate and vote on the recommendation to the City Manager. If only four (4) board members are present for the hearing, the last appointed board member may participate in the deliberations but may not vote. (3687, 4956, 5250, 5272)
- (B) All Board hearings shall comply with the Arizona Open Meeting Law (A.R.S. §§38-431 et seq.) and Public Records Law (A.R.S. §§39-121 et seq.), as amended. All Board hearings shall further be conducted in accordance with the Personnel Appeals Board Hearing Procedural Rules for Classified Employees (excluding sworn law enforcement) or the Personnel Appeals Board Hearing Procedural Rules for Sworn Law Enforcement Employees, which were declared to be public records by resolution adopted on September 22, 2014, and to which reference is hereby made and which are incorporated herein, three copies of which are on file and available for public use and inspection in the Office of the City Clerk. (3687, 5250)
- (C) The City Clerk's Office shall ensure that proper public notice, including an agenda, is provided for all Board hearings. The Personnel Office shall act as secretary to the Board in sending information packets to members and fulfilling other clerical responsibilities of the Board. (3687, 5250)

#### **2-18-3: CITY MANAGER DECISION:**

- (A) After receiving the written advisory opinion, the City Manager may contact the Board to seek additional advice or information concerning the matter. (3687, 5250)
- (B) The City Manager may accept or reject the Board's advisory opinion. Within a reasonable period of time, not to exceed thirty (30) days, from receipt of the Board's advisory opinion, the City Manager shall notify the appellant, affected department head, and Personnel Director of the City Manager's decision. The thirty- (30-) day period may be extended should circumstances arise that preclude the City Manager from completing a review in a timely manner. Such decision shall be in writing and final for purposes of judicial review. (3687, 5250)